

Victor de Gyarfas (State Bar No. 171950)
Ted Rittmaster (State Bar No. 145710)
FOLEY & LARDNER LLP
555 S. Flower Street, Suite 3500
Los Angeles, California 90071
Tel: 213.972.4500
Fax: 213.486.0065
E-mail: vdegyarfas@foley.com
trittmaster@foley.com

Attorneys for Plaintiff
ROLAND CORPORATION

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ROLAND CORPORATION, a Japanese
corporation

Plaintiff,

vs.

WIRGES PERCUSSION SYSTEMS
LLC, an Arkansas limited liability
company,

Defendant.

Case No: **CV 08-04785 GAF(MANx)**

**ORDER GRANTING STIPULATED
CONSENT JUDGMENT AND
PERMANENT INJUNCTION**

**ORDER GRANTING STIPULATED
CONSENT JUDGMENT AND PERMANENT INJUNCTION
CASE NO. CV 08-04785 GAF(MANx)**

1 By agreement and consent to the terms set forth herein by the parties hereto,
2 Plaintiff **Roland Corporation** and Defendant **Wirges Percussion Systems LLC**
3 **(individually or collectively “Wirges”)**—and full settlement of all claims having
4 been reached, this Court hereby, ORDERS, ADJUDGES AND DECREES THAT:

5 1. This Court has jurisdiction over the Parties and the subject matter of
6 this action, and venue is proper in the Central District of California.

7 2. The parties so agreeing, Roland Corporation is the owner of United
8 States Patent No. 6,121,538 (the “’538 patent”) entitled *Electronic Percussion*
9 *Instrumental System and Percussion Detecting Apparatus Therein* was duly and
10 legally issued on September 19, 2000. Roland owns all right, title, and interest in
11 the ’538 patent. The ’538 patent currently is not invalid, is enforceable, and is
12 subsisting.

13 3. The ’538 patent is referred to herein as the “patent-in-suit.”

14 4. The parties have settled all of their claims in the above-styled matter.

15 5. By stipulation of the Parties, a Permanent Injunction is hereby entered
16 in the present case, permanently restraining and enjoining Defendant Wirges and
17 any and all persons in active concert or participation with, through, or under them
18 including all their officers, directors, agents, servants, employees, attorneys,
19 representatives, successors and assigns, from directly or indirectly engaging in any
20 conduct to make, use, offer to sell or sell within the United States or import into
21 the United States any product that is covered by one or more unexpired valid claim
22 in any one or more of U.S. Patent Nos. 6,121,538, 6,271,458, 6,756,535, 6,921,857
23 and 7,385,135, where a claim shall be presumed to be valid as long as it has not been
24 held invalid by a U.S. court of competent jurisdiction in a final determination of
25 invalidity from which no appeal is available.

26 6. By stipulation of the Parties, Wirges is ordered to cooperate and comply
27 with Roland and its counsel in accordance with terms of their Settlement Agreement,
28 to remove from the website <http://www.percussion-systems.com>, any and all offers

1 for sale of any product that is covered by one or more of the claims in any one or
2 more of U.S. Patent Nos. 6,121,538, 6,271,458, 6,756,535, 6,921,857 and 7,385,135.

3 7. This court retains jurisdiction to consider, upon application by any party,
4 any violation of the terms of this order and Judgment.

5 8. This court also retains jurisdiction to consider and determine any breach
6 of the Settlement Agreement and Release entered into between the parties hereto
7 and those parties agree that any matter arising out of or relating to that Settlement
8 Agreement shall be litigated in this Court.

9 IT IS SO ORDERED.

10 DATED: June 11, 2009



11 Gary Allen Feess
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28